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Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 May 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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INDONESIA: Summary executions recurring while perpetrators enjoy impunity

The Asian Legal Resource Centre (ALRC) wishes to inform the UN Human Rights Council (UNHRC) regarding the situation of extrajudicial executions (summary executions) in Indonesia.

Despite being a state party to key international human rights treaties such as the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the International *Convention against Torture* and Other Cruel, Inhuman or Degrading Treatment or Punishment, Indonesia has yet to fully recognize the right to life and protection for all people from summary execution.

The right to life is also enshrined in the Indonesian Constitution (UUD 1945) and Law No. 39 of 1999 on Human Rights. The enforcement of such laws however, is Indonesia's failing. In fact, law enforcement agencies and security forces in Indonesia are themselves guilty of summary executions. In the case of Mr. La Gode for instance, a resident of Taliabu Island, North Moluccas province, police officers arrested him for stealing cassava. Subsequently, Gode was transferred to the military post of Satgas 732/Banua for further examination. He was tortured in detention, and subsequently died from his injuries, particularly to his back and lateral parts of his body.

The ALRC's sister organization, the Asian Human Rights Commission (AHRC) also documented the case of Gerri Goo, an indigenous Papuan who died after being shot by law enforcement agencies in Moanemani, Degiyai regency. Gerri was shot during a joint sweeping operation by the Moanemani police officers and the police mobile brigade (Brimob). Geri was hospitalized for 33 days, and he finally passed away on 9 May 2018.

In the past, particular under the government of Suharto, summary executions occurred massively, and remains unpunished until present. Thousands, perhaps even one million people have been victims of summary execution during the 1965-1966 massacre, the mysterious shooting (*Penembakan Misterius* - Petrus) of 1981-1983, the Tanjung Priok case of 1984, the Talangsari case of 1989, the military operation and emergency period in Aceh from 1989-1998 and 2003, the 1998 May tragedy, the student shooting in Trisakti and Semanggi in 1998-1999, the case of Wasior and Wamena Papua 2001 and 2003, and various cases occurring in Papua, such as the cases of Puncak Jaya 1977-1978, as well as the Abepura case of 2000. Despite the Abepura case being prosecuted in the Makassar district court in 2005, the court failed to find evidence and finally released all the perpetrators. The government has also failed to address various recent cases of summary executions, such as the Paniai case, and the brutal attack and murder of Vijay Pauspaus in Sanggeng Manokwari Barat.

The recurrence of extrajudicial executions in Indonesia is largely due to the impunity enjoyed by the offenders, especially if they are part of the police or military institutions. For instance in the death of La Gode, the Sula Police Station prefers to internally discipline the police officers who had illegally arrested and transferred La Gode to the Military Post of Task Force (Satgas) 732/Buana. The internal ethic mechanism conducted on 31 March 2018 at the Sula Police Station ruled that:

1. Police Chief Brigadier Zaenuddin Ahmad was to get 21 days detention, one year suspension of rank, promotion and educational training.
2. Police Brigadier Harifin Idu was to get 21 days detention, two years suspension of rank, promotion, annulment of his current position in Police Administration and one year suspension of his regular salary.
3. Police Brigadier Mardin was to be punished with 21 days detention with six months suspension of educational training.

Extrajudicial execution committed by the police is also caused due to the lack of commitment by the government to implement internal police regulations on human rights. The Internal Police Regulation No. 8 of 2009 on the Implementation of Human Rights Principles and Standards in the Discharge of Duties of the Indonesian National

Police, and the Standard Operational Procedures like the SOP No 1/X/ 2010 on Countermeasures on Anarchy, and SOP No 14 of 2012 on the Investigation Management of Crimes have all remained on paper thus far.

In view of the above situation, the ALRC requests the UN Human Rights Council to undertake studies to assess the root causes of extrajudicial executions in Indonesia. The Council should not merely work with the Indonesian government, but should also work and support the Indonesian civil society at large in dealing with recurrence and massive extrajudicial executions in Indonesia.

The Council should put pressures on the government of Indonesia so that the State officially invites and cooperates with the UN Special Rapporteur on Extra-judicial, Summary, or Arbitrary Executions.